

REMARKS

I. Status of the Application

Claims 2, 3, 6, 7, and 10-12 were pending in the application. On April 8, 2005, the Applicants submitted a supplemental amendment based upon a telephone conferences with the Examiner on March 28, 2005 and April 1, 2005. However, the Examiner was not in receipt of those documents prior to the mailing of the Office Action. Thus, for ease of review by the Examiner, Applicants have submitted amendments to the claims in this response as if the supplemental action had not been received.

In the Office Action, the Examiner: (1) stated that the replacement information disclosure statement filed with the previous response to office action does not comply with the provisions of 37 C.F.R. §§1.97 and 1.98, and MPEP § 609 because it fails to disclose the publication dates of the nonpatent documents; (2) required correction of the specification to remove an embedded hyperlink appearing on page 4, line 13; (3) objected to Claim 10 as including means plus function language in a method claim, (4) rejected claim 4 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,615,258 to Barry et al. (the "Barry patent"), and (5) rejected Claim 5 under 35 U.S.C. § 103(a) as being unpatentable over the Barry patent in view of U.S. Patent No. 5,357,439 to Matsuzaki et al. (the "Matsuzaki patent").

In this response, the Applicants respectfully: (1) notes that all information available for the nonpatent documents have been provided; (2) provide replacement paragraph for page 4, line 13, to remove the hyperlink, (3) amend Claim 10, to place it in condition for allowance; and (4) note that claims 4 and 5 were previously cancelled in a communication dated April 8, 2005.

II. Information Disclosure Statement

The Examiner has rejected the revised Information Disclosure Statement filed on April 8, 2005, as the submitted non-patent documents under indices BQ, BR, BS, CP, and CQ do not disclose publication dates for the references disclosed therein. As noted in a response dated April 8, 2005, Applicants have supplied all available information in their possession for the submitted nonpatent documents. In particular, the Applicants note that the nonpatent literature submitted comprises both industry brochures and webpages, which do not contain indications of the author, publisher, or date of publication. Applicants note that these publications were submitted on August 13, 2001, the same date as the filing of this Application. Therefore, Applicants believe the publication of these documents precede the filing of this Application. Applicants respectfully note that they are unable to provide additional information regarding these submitted nonpatent references, as that information is not available to them.

III. The Offending Hyperlink Has Been Amended

The Examiner objected to the inclusion of a hyperlink within the specification due to the dynamic nature of the World Wide Web. As noted by the examiner, MPEP 608.01 VII states that hyperlinks or browser executable code are precluded from being used in a patent application only if they will cause the embedded link to form an automated or computer executable link to a commercial website (i.e., clicking on the hyperlink will take a viewer of the USPTO website to another commercial web site). See MPEP 608.01. The MPEP goes on to clarify that

"[e]xamples of a hyperlink or a browser-executable code are a URL placed between these symbols "< >" and http:// followed by a URL address" which will be interpreted as a valid HTML code and become a live web link. *Id.* Applicants note that they have not submitted a hyperlink in computer executable form, as the amended URL will not "become a live web link."

Further, by way of the amendment above, the Applicants have specifically amended the URL to ensure that even if it is cut and pasted into a web browser, it will not be executable without the removal of an additional space placed between the "http" and the remainder of the URL. Therefore, the Applicants have offered an example that will not be interpreted as executable HTML when published on the USPTO website. Therefore, the Applicants submit that they have provided an appropriate URL that complies with MPEP 608 and will not form live web link when published on the USPTO webpage.

Applicants further thank the Examiner for pointing out that information from the Internet is dynamic in nature and does not present a consistent source for relevant information. However, the URL provided merely acts as an example of one site utilizing a unique identifier that is described in detail throughout the text of the specification. Further, the URL is not being offered to support any claim language within the Application. Therefore, Applicants submit that the URL is purely exemplary in function, offering further background to the issues faced by the industry at the time of filing the Application. Therefore, in light of the amendments made to the specification and the comments above, Applicants respectfully request reconsideration of the Examiner's objection to the specification.

IV. Claim 10 Has Been Amended to Overcome Examiner's Objection

Applicants have amended claim 10 to place it in allowable condition, pursuant to the Examiner's request. The Examiner will note that the amendments to Claim 10 are substantially similar, but not identical, to a supplemental amendment sent by Applicants on April 8, 2005, but which was not received by the Examiner prior to mailing the Office Action. In the Office Action, the Examiner objected to claim 10 because the preamble of the claim was directed to a method claim, but the body of the claim included means plus function limitations. As amended, claim 10 is directed to a method of exchanging information between a manufacturer and a customer by performing a number of steps. Certain of those steps include providing structures to allow performance of the method. The structures provided in certain of those steps are described in means plus function language, as appropriate per MPEP 21606 IV B(2)(b). ("Examples of this type of claimed statutory process include the following: A method of using a computer processor to analyze electrical signals and data representative of human cardiac activity by converting the signals to time segments, applying the time segments in reverse order to a high pass filter means")

Further, Applicants have amended Claim 10 to include all the limitations of claims 8 and 9, to make claim 10 allowable as indicated in Examiner's prior Office Action. Therefore, Applicants respectfully request reconsideration of Examiner's objection to Claim 10 in light of the foregoing amendment and comment.

V. Claims 4 and 5 Have Been Canceled

The Examiner rejected claims 4 and 5. By this Response and the communication from Applicant dated April 8, 2005, claims 4 and 5 have been canceled.

CONCLUSION

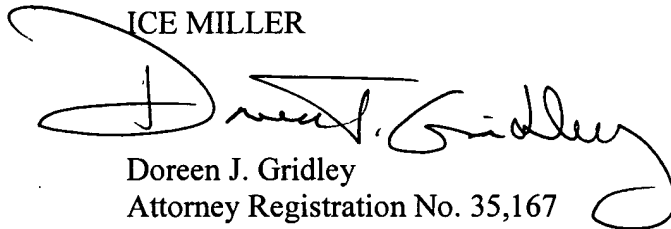
For all the foregoing reasons, it is respectfully submitted that the Applicants have made a patentable contribution to the art and that this response places the above-identified application in condition for allowance. Favorable reconsideration and allowance of this application is respectfully requested.

Commissioner for Patents
May 25, 2005
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The Application previously contained nine (9) total claims, including six (6) independent claims, with payment being made therefor. As amended, the application contains seven (7) total claims, including four (4) independent claims. Therefore, Applicants believe that no additional fees are necessary. In the event the Applicants have inadvertently overlooked the need for an extension of time or payment of an additional fee, the Applicants conditionally petition therefor, and authorize any fee deficiency to be charged to deposit account 09-0007.

Sincerely,

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